

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

RONALD MEZA,

Petitioner,

v.

CHRISTIAN PFEIFFER, Warden,

Respondent.

No. 2:20-cv-2316 DAD CSK P

ORDER

Petitioner is a state prisoner proceeding pro se. On September 19, 2022, the petition for writ of habeas corpus under 28 U.S.C. § 2254 was dismissed as time barred and judgment was entered in favor of respondent. (ECF Nos. 38, 39.) On January 29, 2024, petitioner filed a motion for relief from judgment under Rule 60(b) of the Federal Rules of Civil Procedure.<sup>1</sup> (ECF No. 40.) Petitioner seeks relief from the judgment based on, *inter alia*, evidence that petitioner suffers from mental defects in addition to schizophrenia that rendered petitioner mentally incompetent to meet the federal filing deadline, and that the inmate who previously prepared and filed documents on petitioner's behalf provided incorrect information to the court. Petitioner acknowledges that Rule 60(b) motions must ordinarily be filed within one year from the entry of judgment but argues that such deadline should not apply to a mentally incompetent party. (ECF

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<sup>1</sup> Petitioner signed the motion and accompanying declaration, but it appears the documents were prepared by petitioner's new legal assistant, inmate James W. Brammer.

No. 40 at 30.) See e.g., Milam v. Harrington, 2018 WL 1155969 (C.D. Cal. Jan. 8, 2018) (despite judgment dismissing untimely habeas case years prior, court granted relief under Rule 60(b) where petitioner submitted new evidence of Milam’s “documented mental health and intellectual problems,” as well as attorney abandonment.), report and recommendation adopted, 2018 WL 1135451 (C.D. Cal. Feb. 26, 2018).

Good cause appearing, respondent is directed to file a response to petitioner’s motion to vacate the judgment. Respondent shall address both the timeliness and substance of the motion.

Accordingly, IT IS HEREBY ORDERED within thirty days from the date of this order, respondent shall file a response to petitioner’s motion (ECF No. 40), as set forth above, and petitioner may file a reply within fourteen days thereafter.

Dated: April 19, 2024

  
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CHI SOO KIM  
UNITED STATES MAGISTRATE JUDGE

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